

insignificant fraction of the total free labor force either nationally or locally.

The work release provision of the bill also authorizes the Attorney General to collect, from prisoners working at paid employment in the community, such costs incident to their confinement as the Attorney General may deem appropriate and reasonable. The committee understands that this authority would be used conservatively and that such collections, when made, would not create inequities due to differences in confinement costs from one institution or facility to another, and the wage rates and economic resources of individual prisoners. Such collections would be deposited in the Treasury of the United States as miscellaneous receipts.

The Director of the U.S. Bureau of Prisons states that the work release plan would not require additional appropriated funds. He says, however, that the plan would in all probability require several more employment placement officers to develop job opportunities for prisoners qualified for the work release privilege. The Federal system now has eight such officers, all of whom are paid from the earnings of Federal Prison Industries, Inc. The Director anticipates that the needed funds to finance the additional placement officer positions would be authorized from the same source. At present these officers are engaged almost entirely in finding employment for prisoners being released from Federal institutions on parole or at the expiration of their sentences. The Director states that these officers receive a great deal of assistance in this work from the local unions and business firms and that in the event the Congress enacted the work release plan these organizations had given assurances of similar cooperation.

The committee feels that the additional employment placement officers contemplated by the Director should be added promptly. This is a vitally important activity in preparing prisoners for successful adjustment to society upon release. The greatest number of those who are sent back to prison come from the ranks of those without jobs available to them after release. If the several placement officers contemplated by the Director are not sufficient, more should be added.

The Attorney General cited a number of advantages to the work release plan in bringing about a reduction of recidivism. It would give valuable experience in an actual work situation to a prisoner trained in a Federal institution. It would enable a prisoner to become a contributing member of society even before completing his sentence. It would give the prisoner a practical way of demonstrating his ability and trustworthiness and help him to gain employer and community acceptance before he was released from prison. It would enable a prisoner to contribute to the support of his family. It would give a prisoner the self-respect which flows from self-support. It would give the Parole Board a means of testing a prisoner in the community before granting him a parole.

The Attorney General also cited a University of Illinois study, conducted over a period of 4 years under a Ford Foundation grant, which found that 90 percent of the prisoners released from Federal institutions try to find legitimate employment in the first weeks after their release. Those who found employment were far less likely to return to crime than those who did not. The provisions of the bill, particularly the work release and community center features, would provide a realistic means of assuring that prisoners had respectable employment by the time they were freed from custody to return to their families and homes.

The committee believes that the proposed legislation is meritorious and recommends it favorably.

### PART III, DISTRICT OF COLUMBIA CODE, "DECEDENTS' ESTATE AND FIDUCIARY RELATIONS"

The Senate proceeded to consider the bill (H.R. 4465) to enact part III of the District of Columbia Code, entitled "Decedents' Estate and Fiduciary Relations," codifying the general and permanent laws relating to decedents' estates and fiduciary relations in the District of Columbia which had been reported from the Committee on the Judiciary, with amendments on page 14, after line 9, to strike out:

(a) The widow of a deceased person, with respect to parties who intermarried prior to November 29, 1957, or, effective March 15, 1962, the widow or widower of a deceased person, with respect to parties who intermarried on or after November 29, 1957, is entitled to dower and its incidents as the rights thereto were known at common law with respect to widows, including the use, during her or his natural life, of one-third part of all the lands of which the deceased spouse was seized of an estate of inheritance at any time during the marriage.

And, in lieu thereof, to insert:

(a) The widow of a deceased man, with respect to parties who intermarried prior to November 29, 1957, or the widow or widower of a deceased person dying after March 15, 1962, is entitled to dower and its incidents as the rights thereto were known at common law with respect to widows, including the use, during her or his natural life, of one-third part of all the lands on which the deceased spouse was seized of an estate of inheritance at any time during the marriage.

At the beginning of line 37, to strike out "(c) With respect to parties who intermarried on or after November 29, 1957, the right of dower provided for by this section does not attach to lands held by two or more persons as joint tenants while the joint tenancy exists; and a husband may not claim a right of dower in land which his wife, during the coverture, conveyed or transferred to another person by her sole deed prior to November 29, 1957." and insert "(c) The right of dower provided for by this section does not attach to lands held by two or more persons as joint tenants while the joint tenancy exists. A husband may not claim a right of dower in land which his wife, during the coverture, conveyed or transferred to another person by her sole deed prior to November 29, 1957."; on page 17, at the beginning of line 9, to strike out "his share in the decedent's estate, and his dower rights" and insert "his or her share in the decedent's estate, and his or her dower rights"; on page 18, line 24, after the word "or", where it appears the first time, to strike out "(b)" and insert "(d)"; on page 53, line 2, after the word "be", to strike out "sue" and insert "sued"; on page 54, line 23, after the word "is", to strike out "sue" and insert "sued"; in line 27, after the word "payment", to insert "shall"; on page 75, at the beginning of line 17, to strike out "In appointing a guardian of the estate of an infant under 15 years of age, unless the infant is over 14 years of age as provided in section" and insert "In appointing a guardian of the estate of an infant, unless said infant be over 14 years of age as hereinafter directed in section"; on page 78, at the beginning of line 1, to

strike out "sue" and insert "sued"; in line 11, after the word "liable", to strike out "to be put in suit" and insert "to be sued upon"; on page 97, line 32, after the word "by", to strike out "certified or"; and on page 103, line 14, after the word "jurisdiction", to insert a colon and, *Provided, however*, That in those cases in which a committee has heretofore been appointed and the committee has not been terminated by court action, such committee shall continue to act under the supervision of the U.S. District Court for the District of Columbia under its equity powers."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

#### STATEMENT

A notice concerning H.R. 4465 was inserted in the CONGRESSIONAL RECORD of May 18, 1965, by the chairman of the Subcommittee on Revision and Codification. The purpose of this notice was to advise any and all interested parties of the consideration of this legislation and offer an opportunity for those interested to make such comments as they considered pertinent to this legislation. It was requested that such comments be furnished the subcommittee on or before July 1, 1965.

In addition to the notice, the subcommittee, through the chairman, sent communications to interested parties for their views in regard to this legislation. All of the foregoing was done in an effort to give as complete coverage and publicity to the pendency of this legislation as the subcommittee thought appropriate. Copies of the letters sent by the subcommittee and the replies thereto are contained in the files of the Subcommittee on Revision and Codification.

As a result, certain suggestions were made to the subcommittee to further improve the legislation and after consideration, the subcommittee recommended certain changes which appear in the amendments to the legislation.

The reasons and justification for the revision and codification of part III of the District of Columbia Code are contained in House Report No. 235 on H.R. 4435 and are set forth as follows:

"The purpose of this bill is to revise, codify, and enact into law part III of the District of Columbia Code. The work was undertaken as a part of the project for a new edition of the code. The first major step of the Committee on the Judiciary in this project, the revision and codification of part II of the code, entitled 'Judiciary and Judicial Procedure,' was enacted as Public Law 88-241.

"The primary purpose of this revision is to substitute plain language for awkward terms, reconciliation of conflicting laws, omission of obsolete, superseded, or repealed sections, consolidation of similar provisions, and improvement in the style and arrangement of the material.

"It is not the purpose to make substantive changes in the law. While in a few sections, changes have been made which might at first comparison be considered 'substantive,' actually it is intended to reflect in those changes only what apparently was the legislative intent, or is implied in the provisions themselves, or has been stated by the

courts in construing the sections. In each case the revision note to the section points out the change and the reason therefor.

"This revision is based upon part III of the 1961 edition of the District of Columbia Code, and supplements, with the addition of a few provisions from other parts which are transferred to improve the arrangement of the code as a whole.

"Before actual revision was begun the following materials were assembled:

- "1. The complete text of part III, District of Columbia Code, 1961 edition, and the latest cumulative supplement (supp. IV).
- "2. Applicable constructions of the courts.
- "3. The volumes of the Statutes at Large, for purposes of comparison.
- "4. Other background materials."

#### HISTORY

The last code of laws for the District enacted by Congress was that of 1901, as set out in act March 3, 1901, chapter 854, 31 Stat. 1189. All "codes" published since that time, including the 1961 edition, were consolidations only, and were not enacted by Congress as the basic law of the District.

Actually, the 1901 code did not contain all the local law applicable in the District at that time. By its own terms (sec. 1 of the act; D.C. Code, 1961 ed., sec. 49-301), in addition to providing for the applicability of the common law, the principles of equity and admiralty, all general acts of Congress not locally inapplicable in the District, all acts of Congress by their terms applicable to the District, and to the other places under the jurisdiction of the United States, in force in the District on March 3, 1901, it provided that all British statutes in force in Maryland on February 27, 1801, should also be applicable in the District "except insofar as the same are inconsistent with, or replaced by, subsequent legislation of Congress." It still so provides. Further, there were a number of prior acts relating to the District the provisions of which were not carried into or repeated in that code, and which were specifically or impliedly saved from repeal (unless inconsistent with or replaced by the provisions of the code) by section 1636 of the 1901 act (31 Stat. 1435). Consequently, later code compilations have been based, not only on the 1901 code, as amended or supplemented, but also on all prior acts, including sections of the Revised Statutes of the District of Columbia, the Revised Statutes of the United States, and British statutes, which the codifiers considered as still being in force in the District. Some of the British statutes date back to the 13th century.

Over 60 years have passed since the laws relating to the District were overhauled and enacted as a code. Some of the British statutes set out in the 1961 compilation, and prior compilations, while they may have been considered as technically being in force in the District, not only are archaic in language but actually can have no present application in the District, or are obsolete. Others, like many of the other provisions of the 1901 code and of later independent acts relating to the District, have been repealed, superseded, or affected in some way by subsequent legislation.

There is an urgent need for a new reconciliation and codification of the laws relating to the District, and the revision contained in this bill is the second step in that direction, the revision and codification of part II of the code having been the first.

#### CONTINUING PROTECTION FOR FORMER PRESIDENTS AND THEIR WIVES OR WIDOWS

The bill (S. 2420) to provide continuing authority for the protection of former Presidents and their wives or

widows, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the second clause of title 18, United States Code, section 3058, is amended to read as follows: "protect the person of a former President and his wife during his lifetime and the person of a widow and minor children of a former President for a period of four years after he leaves or dies in office, unless such protection is declined;"

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 611), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

#### PURPOSE

The purpose of the proposed legislation is to provide continuing authority for Secret Service protection of former Presidents and their wives, or the person of a widow and minor children of a former President for a period of 4 years after he leaves or dies in office, unless such protection is denied.

#### STATEMENT

This proposed legislation has been submitted to the President of the Senate as an executive communication from the Secretary of the Treasury.

Public Law 88-195 authorizes the U.S. Secret Service to protect Mrs. Kennedy and her minor children, at her request. This authority will expire on December 11 of this year. Existing law also authorizes the protection of a former President, at his request (18 U.S.C. 3056). However, this protection is limited in time to a reasonable period after the President leaves office. The legislative history of this provision indicates that 6 months after the President left office was considered a reasonable period within the meaning of the statute (S. Rept. 836; H. Rept. 432, 87th Cong.).

The Treasury Department advises the committee that it should be in a position to furnish Secret Service protection to a former President and his wife during the remainder of his life, unless he declines it. That Department also believes it should be in a position to furnish protection to a widow and minor children of a former President, although in the latter situation they believe it would be sufficient to provide protection for a period of 4 years after the President leaves or dies in office. This bill would accomplish these objectives.

Because of the prominent position these individuals held in public life, they continue to be in the limelight. They are sought out and subject to annoyance by the idly curious. They remain possible targets of the mentally deranged. They may also be the object of threats by persons with grievances supposedly caused by actions taken by a former President while in office. In these circumstances, the Treasury Department considers it desirable—not to force Secret Service protection on these persons—but to make it available to them unless they decline it. The proposed authority seems to the committee entirely appropriate as a small gesture of gratitude for the service former Presidents have rendered to the Nation, some of whom have served at the sacrifice of their lives.

The committee is of the opinion that it is appropriate to expand the authority of the Secret Service to protect the persons enumerated in this proposal, and accordingly recommends favorable consideration of this legislation, without amendment.

#### SPECIAL INDEMNITY INSURANCE FOR MEMBERS OF THE ARMED FORCES SERVING IN COMBAT ZONES

The Senate proceeded to consider the bill (S. 2127) to amend title 38, United States Code, in order to provide special indemnity insurance for members of the Armed Forces serving in combat zones was announced as next in order.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment on page 5, after line 2, to insert a new section, as follows:

SEC. 2. Title 38, United States Code, is further amended as follows:

(1) Section 417(a) is amended—

(A) By deleting therefrom the words "under section 724 of this title" and inserting in lieu thereof the words "in effect on January 1, 1959, and continued in effect under section 724(a) of this title."

(B) By adding at the end thereof the following: "The prohibition against the payment of dependency and indemnity compensation contained in this subsection shall not apply to insureds who on or after the effective date of this amendment die while on active duty in a combat zone as defined in section 789 of this title, or within 120 days after duty in such a zone, or (1) whose death is determined by the Administrator to have been the direct result of an injury or disease incurred while serving in a combat zone, and (2) the injury or disease from which such person died was incurred not more than two years prior to death."

(2) Delete from the last sentence of subsection (c) of section 704 the words "or section 725" each time they appear and insert in lieu thereof the words "section 725, or section 728".

(3) Subsection (b) of section 724 is repealed and the following new subsections are added to section 724:

"(b) After the date of enactment of this subsection any person who is on active duty with the Armed Forces in a combat zone, as defined in section 789 of this title, for a continuous period of 30 days or more and any person hereafter ordered to such duty under orders for 30 days or more in such a combat zone, who is insured under National Service Life Insurance or United States Government Life Insurance shall be entitled, upon written application, to a waiver (with the right to a refund after termination of such duty) of all premiums paid on term insurance and that portion of any permanent insurance premiums paid representing the cost of the pure insurance risk, as determined by the Administrator. All premiums due during the period the waiver is in effect must be timely paid to maintain the insurance in force. Such waiver shall apply to premiums becoming due after the first day of the first calendar month following the date of enactment of this subsection, or the first day of the first calendar month following entry on active duty with the Armed Forces in such a combat zone, whichever is the later date, and during the remainder of such continuous active duty in a combat zone for 120 days thereafter; however, no premium becoming due prior to the date of application for waiver under this subsection shall be waived or refunded. Any premium waiver granted under this subsection on a participating contract of insurance shall render such insurance nonparticipating during the period such premium waiver is in effect.

Upon certification of the period of combat zone duty by the Secretary of the military department concerned, and upon application by the insured, or in death cases by the beneficiary of life insurance, the Administrator shall refund to the insured or to the beneficiary the amount of premium waived under this subsection. Premiums on term insurance waived under this subsection shall be refunded with interest as determined by the Administrator.

"(c) Whenever benefits become payable because of the maturity of such insurance while under the premium waiver provided by this section, liability for the payment of such benefits shall be borne by the United States in an amount which, when added to any reserve of the policy at the time of maturity, will equal the then value of such benefits under such policy. Where life contingencies are involved in the calculation of the value of such benefits, the calculation of such liability of liabilities shall be based upon such mortality table or tables as the Administrator may prescribe with interest at the rate of 3 per centum per annum as to national service life insurance which was participating before waiver was granted, and 3½ per centum per annum as to United States Government life insurance. The Administrator shall transfer from time to time from the national service life insurance appropriation to the National Service Life Insurance Fund and from the Military and Naval Insurance appropriation to the United States Government Life Insurance Fund such sums as may be necessary to carry out the provisions of this section."

(4) Subchapter I of chapter 19, of such title is amended by adding at the end thereof a new section as follows:

"§ 726. Post-service insurance for persons serving in combat zones

"(a) Any person entitled to indemnity protection under section 789 of this title who is ordered to active duty with the Armed Forces in a combat zone as defined in such section for a period of 30 days or more, or who served in such zone for 30 days or more, shall, upon application in writing made within 120 days after separation from active duty and payment of premiums as herein-after provided, and without medical examination, be granted insurance. The insurance granted under this section shall be issued upon the same terms and conditions as are contained in standard policies of National Service Life Insurance except (1) term insurance may not be renewed on the term after the insured's 50th birthday; (2) the premium rates for term or permanent plan insurance shall be based on the 1958 Commissioners Standard Ordinary Mortality Table; (3) all cash, loan, extended and paid-up insurance values shall be based on the 1958 Commissioners Standard Ordinary Mortality Table; (4) all settlements on policies involving annuities shall be calculated on the basis of the Annuity Table for 1949; (5) all calculations in connection with insurance issued under this subsection shall be based on interest at the rate of 3½ per centum per annum; (6) the insurance shall include such other changes in terms and conditions as the Administrator determines to be reasonable and practicable; (7) the insurance and any total disability income provisions attached thereto shall be on a nonparticipating basis and all premiums and other collections therefor shall be credited to a revolving fund established in the Treasury of the United States and the payments on such insurance and total disability provision shall be made directly from such fund. Appropriations to such fund are hereby authorized.

"(b) The Administrator is authorized to set aside out of the revolving fund established under subsection (a) of this section such reserve amounts as may be required

under accepted actuarial principles to meet all liabilities on insurance issued thereunder and any total disability income provision attached thereto. The Secretary of the Treasury is authorized to invest in and to sell and retire special interest-bearing obligations of the United States for the account of the revolving fund. Such obligations issued for this purpose shall have maturities fixed with due regard for the needs of the fund and shall bear interest at a rate equal to the average market yield (computed by the Secretary of the Treasury on the basis of market quotations as of the end of the calendar month next preceding the date of issue) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of four years from the end of such calendar month; except that where such average market yield is not a multiple of one-eighth of 1 per centum, the rate of interest of such obligation shall be the multiple of one-eighth of 1 per centum nearest such market yield."

(5) The analysis of subchapter I of chapter 19 of such title is amended by adding at the end thereof the following:

"726. Post service insurance for persons serving in combat zones."

So as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 19 of title 38, United States Code, is amended by adding at the end thereof a new section as follows:*

"§ 789. Special indemnity insurance for members of the Armed Forces serving in combat zones

"(a) Any person on active duty with the Armed Forces in a combat zone shall, as provided in this section, be automatically insured by the United States, without cost to such person, against death in the principal amount of \$10,000. Such person shall be insured during the time that he serves in a combat zone, and shall be deemed to have been serving in a combat zone at the time of his death if he dies outside of a combat zone and (1) his death is determined by the Administrator to have been the direct result of an injury or disease incurred while serving in a combat zone, and (2) the injury or disease from which such person died was incurred not more than two years prior to death.

"(b) Upon certification by the Secretary of the military department concerned of the death of any person automatically insured under this section, the Administrator shall cause the indemnity to be paid as provided in subsection (c) only to the surviving spouse, child or children (including a step-child, adopted child, or an illegitimate child if the latter was designated as beneficiary by the insured), parent (including a step-parent, parent by adoption, or person who stood in loco parentis to the insured at any time prior to entry into the active service for a period of not less than one year), brother, or sister of the insured, including those of the halfblood and those through adoption. The insured shall have the right to designate the beneficiary or beneficiaries of the indemnity within the classes herein provided; to designate the proportion of the principal amount to be paid to each; and to change the beneficiary or beneficiaries without the consent thereof but only within the classes herein provided. If the designated beneficiary or beneficiaries do not survive the insured, or if none has been designated, the Administrator shall make payment of the indemnity to the first eligible class of beneficiaries according to the order set forth above, and in equal shares if the class is composed of more than one person.

Unless designated otherwise by the insured, the term 'parent' shall include only the mother and father who last bore that relationship to the insured. Any installments of an indemnity not paid to a beneficiary during such beneficiary's lifetime shall be paid to the named contingent beneficiary, if any; otherwise, to the beneficiary or beneficiaries within the permitted class next entitled to priority, but no payment shall be made to the estate of any deceased person.

"(c) The indemnity shall be payable in equal monthly installments of one hundred and twenty in number with interest at the rate of 2½ per centum per annum.

"(d) In the event any person was covered at the time of his death by automatic indemnity under this section and was also insured against such death under a contract of national service life insurance or United States Government life insurance, the indemnity authorized to be paid hereunder shall be a principal amount equal to the difference between the amount of insurance in force at the time of death and \$10,000.

"(e) The Administrator is authorized to promulgate such rules and regulations, not inconsistent with this section, as are necessary or appropriate to carry out its purposes.

"(f) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this section for the payment of liabilities under this section.

"(g) Any person guilty of mutiny, treason, spying, or desertion shall forfeit all rights to an indemnity under this section, but restoration to active duty after commission of any such offense shall restore all rights under this section. No indemnity shall be payable for death inflicted as a lawful punishment for crime or for military or naval offense, except when inflicted by an enemy, as defined by the President.

"(h) As used in this section the term 'combat zone' means any area outside the United States determined by the President to be an area in which units of the Armed Forces of the United States have engaged in combat operations on or after January 1, 1962, and before such date as may be determined by Presidential proclamation."

(b) The analysis of subchapter III of chapter 19 of such title is amended by adding at the end thereof the following:

"789. Special indemnity insurance for members of the Armed Forces serving in combat zones."

Sec. 2. Title 38, United States Code, is further amended as follows:

(1) Section 417(a) is amended—

(A) By deleting therefrom the words "under section 724 of this title" and inserting in lieu thereof the words "in effect on January 1, 1959, and continued in effect under section 724(a) of this title".

(B) By adding at the end thereof the following: "The prohibition against the payment of dependency and indemnity compensation contained in this subsection shall not apply to insureds who on or after the effective date of this amendment die while on active duty in a combat zone as defined in section 789 of this title, or within 120 days after duty in such a zone, or (1) whose death is determined by the Administrator to have been the direct result of an injury or disease incurred while serving in a combat zone, and (2) the injury or disease from which such person died was incurred not more than two years prior to death."

(2) Delete from the last sentence of subsection (c) of section 704 the words "or section 725" each time they appear and insert in lieu thereof the words "section 725, or section 726".

(3) Subsection (b) of section 724 is repealed and the following new subsections are added to section 724:



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(b) After the date of enactment of this subsection any person who is on active duty with the Armed Forces in a combat zone, as defined in section 789 of this title, for a continuous period of 30 days or more and any person hereafter ordered to such duty under orders for 30 days or more in such a combat zone, who is insured under National Service Life Insurance of United States Government Life Insurance shall be entitled, upon written application, to a waiver (with the right to a refund after termination of such duty) of all premiums paid on term insurance and that portion of any permanent insurance premiums paid representing the cost of the pure insurance risk, as determined by the Administrator. All premiums due during the period the waiver is in effect must be timely paid to maintain the insurance in force. Such waiver shall apply to premiums becoming due after the first day of the first calendar month following the date of enactment of this subsection, or the first day of the first month following entry on active duty with the Armed Forces in such a combat zone, whichever is the later date, and during the remainder of such continuous active duty in a combat zone for 120 days thereafter; however, no premium becoming due prior to the date of application for waiver under this subsection shall be waived or refunded. Any premium waiver granted under this subsection on a participating contract of insurance shall render such insurance nonparticipating during the period such premium waiver is in effect. Upon certification of the period of combat zone duty by the Secretary of the military department concerned, and upon application by the insured, or in death cases by the beneficiary of his insurance, the Administrator shall refund to the insured or to the beneficiary the amount of premiums waived under this subsection. Premiums on term insurance waived under this subsection shall be refunded with interest as determined by the Administrator.

(c) Whenever benefits become payable because of the maturity of such insurance while under the premium waiver provided by this section, liability for the payment of such benefits shall be borne by the United States in an amount which, when added to any reserve of the policy at the time of maturity, will equal the then value of such benefits under such policy. Where life contingencies are involved in the calculation of the value of such benefits, the calculation of such liability or liabilities shall be based upon such mortality table or tables as the Administrator may prescribe with interest at the rate of 3 per centum per annum as to National Service Life Insurance which was participating before waiver was granted, and 3½ per centum per annum as to United States Government Life Insurance. The Administrator shall transfer from time to time from the National Service Life Insurance appropriation to the National Service Life Insurance Fund and from the Military and Naval Insurance appropriation to the United States Government Life Insurance Fund such sums as may be necessary to carry out the provisions of this section.

(4) Subchapter I of chapter 19, of such title is amended by adding at the end thereof a new section as follows:

"§ 726. Post-service insurance for persons serving in combat zones

"(a) Any person entitled to indemnity protection under section 789 of this title who is ordered to active duty with the Armed Forces in a combat zone as defined in such section for a period of 30 days or more, or who served in such zone for 30 days or more, shall, upon application in writing made within 120 days after separation from active duty and payment of premiums as hereinafter provided, and without medical examination, be insured under this section. The insurance

granted under this section shall be issued upon the same terms and conditions as are contained in standard policies of National Service Life Insurance except (1) term insurance may not be renewed on the term plan after the insured's 50th birthday; (2) the premium rates for term or permanent plan insurance shall be based on the 1958 Commissioners Standard Ordinary Mortality Table; (3) all cash, loan, extended and paid-up insurance values shall be based on the 1958 Commissioners Standard Ordinary Mortality Table; (4) all settlements on policies involving annuities shall be calculated on the basis of the Annuity Table for 1949; (5) all calculations in connection with insurance issued under this subsection shall be based on interest at the rate of 3½ per centum per annum; (6) the insurance shall include such other changes in terms and conditions as the Administrator determines to be reasonable and practicable; (7) the insurance and any total disability income provisions attached thereto shall be on a non-participating basis and all premiums and other collections therefor shall be credited to a revolving fund established in the Treasury of the United States and the payments on such insurance and total disability provision shall be made directly from such fund. Appropriations to such fund are hereby authorized.

"(b) The Administrator is authorized to set aside out of the revolving fund established under subsection (a) of this section such reserve amounts as may be required under accepted actuarial principles to meet all liabilities on insurance issued thereunder and any total disability income provision attached thereto. The Secretary of the Treasury is authorized to invest in and to sell and retire special interest-bearing obligations of the United States for the account of the revolving fund. Such obligations issued for this purpose shall have maturities fixed with due regard for the needs of the fund and shall bear interest at a rate equal to the average market yield (computed by the Secretary of the Treasury on the basis of market quotations as of the end of the calendar month next preceding the date of issue) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of four years from the end of such calendar month; except that where such average market yield is not a multiple of one-eighth of 1 per centum, the rate of interest of such obligation shall be the the multiple of one-eighth of 1 per centum nearest such market yield."

(5) The analysis of subchapter I of chapter 19 of such title is amended by adding at the end thereof the following:

"726. Post service insurance for persons serving in combat zones."

Mr. COOPER. Mr. President, may we have an explanation of the bill?

Mr. MANSFIELD. The bill would provide an automatic maximum amount of \$10,000 free "special indemnity insurance" against death while on active duty with the Armed Forces in a combat zone, or death within 2 years after service if it is a direct result of an injury or disease incurred while serving in a combat zone designated by the President on or after January 1, 1962. If the serviceman were also insured under a contract of U.S. Government life insurance or national service life insurance, the indemnity payable would be the difference between the amount of such insurance and \$10,000.

Mr. COOPER. In effect, is the insurance the same type of insurance that was provided for members of the armed services in both World War II and the Korean war?

Mr. MANSFIELD. In effect, yes.

Mr. COOPER. Mr. President, I am very glad that the insurance bill for members of the Armed Forces has been reported by the committee and will be passed. I am glad to speak for it and I will vote for it. I introduced a similar bill. The Bureau of the Budget sent to the Senate Finance Committee a report vigorously opposing the bill which I had introduced, S. 2158, as well as S. 2127, introduced by Senators SMATHERS, TALMADGE, and WILLIAMS, giving various reasons why the bills should not be enacted. The bill I introduced would provide insurance in the principal sum of \$10,000 to members of the Armed Forces and would retroactively make insurance benefits payable to the wives, parents, children, and brothers and sisters of members of the Armed Forces killed in the Vietnam combat area, or in areas such as the Dominican Republic.

Only last Sunday, I was in Kentucky, at a meeting at Hebron in Boone County. The father and mother of two young men who had been killed in Vietnam came up to see me. As I talked to them, I thought that this bill should be passed to provide to the Armed Forces in Vietnam and in any other combat zone greater peace of mind through automatic assurance of special indemnity insurance against death.

I should like to say, without regard to pride of authorship in the bill that I introduced, that I am glad that the committee has been willing to approve the bill similar to mine offered by my good colleagues, the Senator from Georgia [Mr. TALMADGE], the Senator from Florida [Mr. SMATHERS], and the Senator from Delaware [Mr. WILLIAMS].

Mr. MANSFIELD. Mr. President, the Cooper-Talmadge-Smithers bill—and the Senator from Kentucky is deserving of full credit as the initiator of this type of proposed legislation—did not meet with the approval of the Bureau of the Budget, but it was approved by the Finance Committee despite the disapproval of the Bureau.

Mr. COOPER. I am glad that I had introduced an insurance bill, and that I have strongly urged its passage. I am glad to vote for this bill, and I want to say that I have appreciated the interest and support of our 12 distinguished colleagues who joined as cosponsors of S. 2158, the bill I introduced for the purpose of providing this indemnity insurance to our Armed Forces in combat zones.

These Senators—Mr. AIKEN, Mr. ANDERSON, Mr. CARLSON, Mr. DODD, Mr. FONG, Mr. KUCHEL, Mr. LONG of Missouri, Mr. PELL, Mr. RANDOLPH, Mr. YOUNG of North Dakota, and Mr. SIMPSON—joined in sponsoring S. 2158, and I know they are pleased at the consideration and passage of the bill (S. 2127), which is before the Senate.

Mr. MANSFIELD. Let the record show that that was the case.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.  
Mr. CARLSON. I merely wish to state, for the benefit of the distinguished Senator from Kentucky and other Senators, that during the hearings on the bill and

in discussion of the bill in executive session, the Cooper bill was mentioned. It was stated that the bill of the Senator from Kentucky was one of the earlier bills introduced. I assure the Senator from Kentucky that his bill, while not acted upon by the committee, was considered by the committee.

Mr. COOPER. I thank the Senator from Kansas.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment. If there is no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill to amend title 38, United States Code, in order to provide special indemnity insurance for members of the Armed Forces serving in combat zones, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 619), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

#### PURPOSE

The bill would provide an automatic maximum amount of \$10,000 free "special indemnity insurance" against death while on active duty with the Armed Forces in a combat zone, or death within 2 years after service if it is a direct result of an injury or disease incurred while serving in a combat zone designated by the President on or after January 1, 1962. If the serviceman was also insured under a contract of U.S. Government life insurance or national service life insurance the indemnity payable would be the difference between the amount of such insurance and \$10,000.

#### COMMITTEE AMENDMENTS

The bill has been amended to provide that if the serviceman was also insured under a policy of U.S. Government or national service life insurance the premium on the pure insurance risk of the policy (total premium on term policies) would be waived during the period the indemnity coverage was in effect. Under this amendment during the period of his eligibility for waiver, that is, when the insured is in a combat zone, he shall continue to pay his regular premiums which is done usually by allotment. However, when he leaves the combat zone the Veterans' Administration will be required to refund to the serviceman the amount of premiums he paid during that period which represents what is known as the pure insurance risk.

The second committee amendment provides that the serviceman would be allowed upon discharge from service during which he was in a combat zone to convert to a policy of nonparticipating Government insurance at lower premiums similar to that made available to veterans of the Korean conflict.

#### GENERAL STATEMENT

The special indemnity insurance authorized under the bill would be payable in 120 monthly installments with interest at 2 1/4 percent per annum, and only to the surviving spouse, children, parents, or brothers or sisters of the insured. The insured would have the right to designate the beneficiaries within the classes named, the proportion of

the principal amount to be paid to each, and to change beneficiaries within the classes without the consent of the beneficiaries. Should the designated beneficiary not survive the insured, or if no beneficiary was designated, the indemnity would be payable to the first eligible class of beneficiaries among those named above. In such a case if a class is composed of more than one individual payments would be made in equal shares among such individuals.

For the purposes of the bill the term "combat zone" would mean any area outside the United States determined by the President to be an area in which units of the Armed Forces of the United States have engaged in combat operations on or after January 1, 1962, and before such date as may be determined by Presidential proclamation.

The proposed special indemnity insurance program is very similar to the program of servicemen's indemnity which was authorized in 1951 by Public Law 23, 82d Congress. This latter program continued in effect until repealed by Public Law 81, 84th Congress, effective January 1, 1957 (the Servicemen's and Veterans' Survivor Benefits Act). When the bill that became that law was before the Senate it was amended by this committee so as to suspend the indemnity benefit during normal peacetime periods but make it fully operative during any period of war or national emergency involving hostilities. The bill passed the Senate with this amendment. Unfortunately, however, in order to avoid jeopardizing enactment of the new survivors' benefits bill, it was necessary for the Senate conferees to recede from this amendment. The urgent need today for more adequate insurance-type protection for our soldiers serving in southeast Asia under extremely hazardous conditions serves to bear out the soundness of this committee's actions 9 years ago. In taking its action the committee was fully aware of the existing VA program of benefits for survivors of servicemen. However, they are only available to a very limited class of beneficiaries and in many cases the amounts payable are minimal in the light of today's economy. For example, if an unmarried son is killed in Vietnam today and he leaves a mother and father whose total income amounts to only \$2,450 per year, they are ineligible to receive any benefit from the Veterans' Administration. In such a case the full indemnity authorized by this bill would be payable to these parents. In other cases there may be minor brothers and sisters for whom the serviceman has assumed responsibility. Again, the present benefit structure makes no provision for this type of survivors.

The committee amendment concerning waiver of premiums is very similar to a provision in the original Servicemen's Indemnity Act and is designed to provide equity for those servicemen paying monthly premiums for their regular insurance and who, therefore, under the setoff provisions would not get full benefit of the free indemnity. As stated previously, the benefit will be in the nature of a refund when the insured is no longer in a combat zone.

Also, the second committee amendment is similar to a provision which the Congress extended to veterans in the original Servicemen's Indemnity Act. In each case where a serviceman by reason of service in a combat zone has had coverage for the indemnity protection, he may, upon discharge from the service, convert that coverage by applying for a new policy of nonparticipating insurance up to \$10,000 at very reasonable premiums. Under the insurance he will be able to select any beneficiary he chooses.

#### AVAILABILITY OF COMMERCIAL INSURANCE

Representatives of the American Life Convention and the Life Insurance Association of America submitted very significant testimony at the hearing on this bill. They admitted that because of the conditions in

Vietnam a number of life insurance companies have concluded that they will no longer write insurance on a serviceman already in a combat zone or alerted to move to one. Other companies have taken the position that they will write such insurance only with a war exclusion clause. Out of 330 companies who are members of the insurance associations represented by the witnesses, the committee was able to learn of only 2, or 3 at the most, which are continuing to write policies without a war exclusion clause if the soldier is alerted, on his way to, or in a combat zone. Even in these cases there is generally a maximum placed on the amount of insurance they will issue and, further, it appears that such companies will continue to write such insurance only as long as they receive relatively few applications for it. It was readily apparent to the committee, therefore, that thousands of young men who are being called to service as a result of the current planned buildup of our forces have great difficulty, and in many cases, are unable to secure adequate insurance protection for their families.

Since January 1, 1962, approximately 800 American fighting men have honored their country for the cause of freedom and democracy with the supreme sacrifice on the battle grounds of Vietnam. With our military operations in this strife-torn country being expanded, it is unfortunate, but certain, that there will be many more American lives lost in this conflict. Although the Congress cannot guarantee U.S. servicemen preservation of life and limb in battle, we can, and we should, afford them peace of mind by assuring them that in the event of their death, their loved ones back home will be provided some measure of security. Thus, the unavailability of private insurance coverage makes it obligatory for our Federal Government to provide all servicemen in combat areas with insurance protection as proposed in this bill.

#### ESTIMATE OF COST

The Administrator of Veterans' Affairs testified as follows concerning the probable cost of the new indemnity program which would be authorized by S. 2127:

"Because of the many unknown factors involved, our estimate of the cost of S. 2127, if enacted, is based on a number of assumptions. First, it has been assumed that there have been approximately 650 deaths in, or as a result of injury or disease incurred in, a combat zone since January 1, 1962; that the U.S. Armed Forces in combat zones will be maintained at about 150,000; and that the mortality rates of such forces will be 8 per thousand. These mortality assumptions will result, for the purposes of these cost estimates, in 1,200 deaths per year. The total incurred yearly cost would, therefore, be 1,200 x \$11,148 (includes interest factor) or \$13,377,600. Since these benefits, however, are paid in installments over a 10-year period, the annual budgetary cost would be \$2.3 million the first year, of which \$850,000 would cover retroactive installments; \$2.7 million the second year; \$4.1 million the third year; \$5.4 million the fourth year; and \$8.7 million the fifth year."

The committee has been advised that the cost of the amendment authorizing certain free premium waivers will not involve any more than \$200,000 per year. The post-service insurance authorized by the second amendment is estimated to be self-sustaining, although there will be some slight administrative costs for the new program.

#### LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine

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morning business, and that statements therein be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting nominations, was communicated to the Senate by Mr. Jones, one of his secretaries.

#### REPORT OF REPROGRAMING ACTION, CONSTRUCTION OF FACILITIES

The ACTING PRESIDENT pro tempore laid before the Senate a letter from the Administrator, National Aeronautics and Space Administration, Washington, D.C., transmitting, pursuant to law, a report of reprogramming action, construction of facilities, relating to the relocation of Wallops Island Training Facility, which, with an accompanying report, was referred to the Committee on Aeronautical and Space Sciences.

#### PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the State of Michigan; to the Committee on Appropriations:

#### "HOUSE CONCURRENT RESOLUTION 116

"Concurrent resolution relative to the American Canal

"Whereas the State of Michigan is in receipt of a concurrent resolution passed by the Legislature of the State of New York which respectfully memorializes the President and the Congress of the United States to immediately provide an additional \$600,000 in study funds for use by the U.S. Army Corps of Engineers to advance the necessary survey for the alternate ship canal in western New York State to ease the burden on the Welland Canal; and

"Whereas the construction of such an alternate ship canal in western New York State would make a major contribution to the commerce and industry of the United States as well as that of Canada; and

"Whereas the necessity for an alternate canal will be of great benefit not only to the State of New York, but also the States of Pennsylvania, Ohio, and the State of Michigan which is attempting in every way feasible to utilize the St. Lawrence Seaway to its fullest advantage for the welfare of the country; and

"Whereas as the State of New York points out in its resolution, the construction of such a new and modern canal, built to the lock specifications of the Poe lock now being built by the U.S. Army Corps of Engineers at Sault Ste. Marie, Mich., would contribute greatly to the prosperity of commerce in industry and agriculture, not only in those States bordering the Great Lakes, but throughout the entire Nation; and

"Whereas the commerce of the State of Michigan will be enhanced by the benefits from the building of such a new canal; and

"Whereas the Congress of the United States has approved a \$1,825,000 economic engineering survey of a new Lake Erie-Lake Ontario Canal; and

"Whereas the Congress has appropriated \$500,000 in survey funds to date in this proj-

ect and that an additional \$600,000 in study funds is needed to advance the necessary survey and plans for the canal: Now, therefore, be it

*"Resolved by the house of representatives (the senate concurring), That the Legislature of the State of Michigan take this opportunity to support the concurrent resolution adopted by the Legislature of the State of New York memorializing the President and the Congress to appropriate an additional \$600,000 for the economic engineering survey of the American Canal and urge immediate action by the President and the Congress of the United States to continue this vital process; and be it further*

*"Resolved, That this resolution be transmitted to the President of the United States, to the President of the Senate, and the Speaker of the House of Representatives of the U.S. Congress, to each Michigan Delegate to the U.S. Congress, to the Legislature of the State of New York, to the Governors of the States of New York, Pennsylvania, Ohio, Michigan, Indiana, Illinois, Wisconsin, and Minnesota.*

*"Adopted by the house June 16, 1965.*

*"Adopted by the senate June 23, 1965.*

*"BRYL I. KENYON,*

*"Secretary of the Senate,*

*"NORMAN E. PHILLO,*

*"Clerk of the House of Representatives."*

A concurrent resolution of the Legislature of the State of Michigan; to the Committee on Commerce:

#### "HOUSE CONCURRENT RESOLUTION 70

"Concurrent resolution memorializing the Congress of the United States regarding railroad transportation

"Whereas with no advance notice to its passengers, the Chesapeake & Ohio Railroad on April 8, 1965, attempted an instant cessation of passenger transportation on its interstate passenger train No. 12, operating between Grand Rapids and Detroit and serving the intermediate stations of Lake Odessa, Lansing, Howell, and Plymouth; and

"Whereas immediately, in emergency joint effort, the Michigan Attorney General and the Michigan Public Service Commission obtained an injunction to prevent abandonment of this train service, thereby protecting the public interest; and

"Whereas with less than 24 hours advance notice, the New York Central Railroad on April 3, 1965, ceased passenger service at Niles, Kalamazoo, Battle Creek, Jackson, and Ann Arbor, Mich., on interstate passenger trains Nos. 39 and 40—but continuing mail, express, and baggage pickups at those stations daily, in flagrant repudiation of public rights; and

"Whereas the Michigan Legislature, aware of a statutory defect which allowed passenger train discontinuance, passed House bill 2250 of 1965, which gives the Michigan Public Service Commission jurisdiction over all regularly scheduled passenger trains, preventing their service curtailment until the filing of a petition with, and subsequent hearings thereon are held by, the Michigan Public Service Commission; and

"Whereas rail transportation traditionally is classed a public utility, and these acts of deliberate violation of basic public rights are arrogant and intolerable. There remains the vital and urgent exigency for correction of similar statutory defects in the Transportation Act of 1958, at the Federal level, to insure that citizens of the United States enjoy their full rights as vested in any public utility: Now, therefore, be it

*"Resolved by the house of representatives (the senate concurring), That the Michigan Legislature hereby support, and respectfully request the Congress of the United States to pass legislation now before it, to wit: Senate Resolution 1394, corrective of the Transportation Act of 1958, to mandate filing of*

application with the Interstate Commerce Commission by any railroad on each passenger train for which they seek curtailment of service, to mandate public hearings thereon by the ICC, with paramount consideration to be given to public need and convenience in any subsequent decision on each case; and further, to propose that the ICC be allowed to extend protective conditions to railroad employees adversely affected by any discontinuance of passenger train service which may result by such decision; and be it further

*"Resolved, That copies of this resolution be transmitted to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives and each member of the Michigan delegation to the Congress of the United States.*

*"Adopted by the house, April 16, 1965.*

*"Adopted by the senate, June 10, 1965.*

*"BRYL I. KENYON,*

*"Secretary of the Senate.*

*"NORMAN E. PHILLO,*

*"Clerk of the House of Representatives."*

A concurrent resolution of the Legislature of the State of Michigan; to the Committee on the Judiciary:

#### "HOUSE CONCURRENT RESOLUTION 115

"Concurrent resolution memorializing the Congress of the United States regarding the antirearms bill

"Whereas the antirearms bill currently before the Congress of the United States proposes Federal control of firearms in the hands of civilians, and as currently written, constitutes violation of the second amendment to the U.S. Constitution that " " the right of the people to keep and bear arms shall not be infringed; and

"Whereas admittedly, controls are necessary due to irresponsible or criminal elements in society illegally using firearms. That such controls should be the prerogative of State and local agencies of government, that such controls properly should not be a matter for Federal control are acknowledged and forthrightly stated by the Nation's foremost experts in Government, including opinions publicly stated by men of the caliber of Mr. J. Edgar Hoover; and

"Whereas the consensus of expertise in this field is that State and local laws imposing harsh and certain punishment for crimes committed while armed, combined with effective law enforcement, and firmly supported by no-nonsense courts and juries, provide the most certain combination for adequate control; and

"Whereas as to statutes: Laws should prohibit sale of firearms to felons, drug addicts, habitual drunkards, juveniles, and mental incompetents; laws should invoke strict penalties against the possession of firearms by criminals and irresponsible persons. Laws should permit responsible, law-abiding adults to own and use firearms for legal purposes; laws should not require law-abiding adult citizens to register shotguns and rifles; and laws should not grant authority to any jurisdiction, police or otherwise, at any government level, to prohibit the purchase or ownership of firearms by law-abiding and responsible citizens; and

"Whereas in Michigan, alone, more than one and a half million sportsmen would be adversely affected by legislation proposed and now before the Congress—a figure that applies substantially to most of the other States of the Union: Now, therefore, be it

*"Resolved by the house of representatives (the senate concurring), That the Michigan Legislature respectfully memorialize the Congress of the United States to defeat the currently proposed antirearms legislation of S. 1592; and be it further*

*"Resolved, That copies of this memorial be transmitted to the President of the United States, to the President of the Senate, the Speaker of the House of Representatives, and*